



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,232	05/31/2000	Daniel J. Greden	MCS-119-99	2434

27662 7590 01/16/2004
LYON & HARR, LLP
300 ESPLANADE DRIVE, SUITE 800
OXNARD, CA 93036

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/584,232

Applicant(s)

GREDEEN ET AL.

Examiner

Rob Rhode

Art Unit

3625

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/26/2003 has been entered.

Response to Amendment

Applicant's amendment of 10-23-03 added new claims 25 – 27 and traversed rejections of Claims 1 – 24.

Currently, claims 1 - 27 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

In Claims 1 - 9, the claimed invention is directed to non-statutory subject matter. The claim is directed to a process that does nothing more than manipulate an abstract idea. There is no practical application in the technological arts. See *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974). For

example in claim 1, the invention in the body of the claim does not recite the use of nor incorporate any technology in carrying out the recited method steps and therefore is not statutory. If the invention in the body of the claim is not tied to the technological arts, environment or machine, the claim is not statutory. See Ex parte Bowman, 61 USPQ2d 1665, 1671 (BD. Pat. App. & Inter. 2001) [Unpublished] and note MPEP 2106 IV 2(b). While Bowman is not precedential, it has been cited for its analysis.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis, Jr (US Patent 6,321,202 B1) in view of Burge (US 6,014,638)

Regarding Claim 1 and related claims 10 and 20, the combination of Raveis and Burge disclose and teach a computer implemented method and system for finding a prospective buyer and providing the buyer to agents offering for sale at least one of products or services, the method comprising where -

Raveis teaches providing the buyer with an interactive environment having information relating to the products or services offered by the agents (Col 3, lines 41 – 45 and Figures 1 and 10). In addition;

Art Unit: 3625

regarding claim 2 and related claims 11 and 21, Raveis teaches a computer implemented method and system, wherein the interactive environment includes allowing the buyer to graphically interact with information relating to the products or services (Col 3, lines 41 – 45 and Figure 1).

regarding claim 3 and related claims 13 and 23 Raveis teaches a computer implemented method and system, wherein the buyer selects information relating to the products or services (Col 3, lines 41 – 45 and Figures 1 and 10).

regarding claim 5 and related claims 15 and 24, Raveis teaches a computer implemented method and system, wherein the interactive environment includes providing an interactive questionnaire to the buyer (Col 3, lines 45 – 48 and Col 14, lines 8 – 16).

regarding claim 6 and related claim 16, Raveis teaches a computer implemented, wherein the method and system operates on a computer-readable medium having computer-executable instructions for finding a prospective buyer and providing the buyer to an agent offering for sale at least one of products or services (Col 8, lines 38 – 54 and Figures 1 and 2).

regarding claim 8 and related claim 18, Raveis teaches a computer implemented method and system, further comprising providing agents access to the database to

allow the agents to locate specific buyers based on criteria defined by the agents Col 8, lines 38 – 57).

However, Raveis does not specifically disclose and teach creating a profile of the buyer by inferring criteria desired by the buyer based on the buyer's interaction with the interactive environment; comparing the profile and the inferred criteria with criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer.

On the other hand, Burge discloses and teaches creating a profile of the buyer by inferring criteria desired by the buyer based on the buyer's interaction with the interactive environment; comparing the profile and the inferred criteria with criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer (see at least Abstract, Col 1, lines 7 – 16, Col 3, lines 1 – 17 and Figures 2A and B).

regarding claim 4 and related claims 12, 14 and 22, Burge teaches a computer implemented method and system, wherein the profile is created based on the selections made by the buyer during interaction with the interactive environment (Col 3, lines 3 – 7).

regarding claim 7, Burge teaches a computer implemented method and system further comprising creating a database of buyer profiles and defining groups of specific criteria for specific buyers (Col 5, lines 22 - 25).

regarding claim 9, Burge teaches a computer implemented, wherein comparing the profile and the inferred criteria with criteria of the products or services includes matching specific products or services of the agents that the buyer has a potential interest in based on the generated profile of the buyer (Col 3, lines 1 - 12).

regarding claim 17, Burge teaches a computer system, wherein the comparator creates a database of buyer profiles and defines groups of specific criteria for specific buyers (Col 5, lines 22 - 24).

regarding claim 19, Burge teaches a computer system, wherein the comparator compares the profile and the inferred criteria with criteria of the products or services by matching specific products or services of the agents that the buyer has a potential interest in based on the created profile of the buyer (Col 3, lines 1 – 12 and Col 5, lines 16 - 35).

regarding claim 25 and related claims 26 and 27, Burge teaches a method, wherein comparing the profile and inferred criteria with criteria of the products or services offered

by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer is automatic (Col 5, lines 1 – 12 and Col 10, lines 27 - 45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Raveis with the method and system of Burge to enable the ability for the computer implemented method and system to compare the profile and the inferred criteria with criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer – in order to enable the ability of the method and system to automatically search and match agent specific criteria with appropriate buyers who fit their specific criteria such as buyers who can only afford homes in excess of 1 million dollars. In that regard, the agent is match most closely with appropriate buyer and thereby ensuring that the buyer will have supporting them an agent who is most appropriate, which will also significantly improve the buyer's satisfaction. With the improved customer satisfaction, the customer's probability will increase that they will recommend the site/portal to others.

Response to Arguments

Applicant's arguments with respect to claims 1 - 24 have been considered but are moot in view of the new ground(s) of rejection.

by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer is automatic (Col 5, lines 1 – 12 and Col 10, lines 27 - 45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Raveis with the method and system of Burge to enable the ability for the computer implemented method and system to compare the profile and the inferred criteria with criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer – in order to enable the ability of the method and system to automatically search and match agent specific criteria with appropriate buyers who fit their specific criteria such as buyers who can only afford homes in excess of 1 million dollars. In that regard, the agent is match most closely with appropriate buyer and thereby ensuring that the buyer will have supporting them an agent who is most appropriate, which will also significantly improve the buyer's satisfaction. With the improved customer satisfaction, the customer's probability will increase that they will recommend the site/portal to others.

Response to Arguments

Applicant's arguments with respect to claims 1 - 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

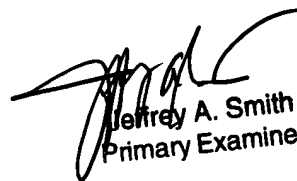
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is Bieganski (US 6,412,012 B1, Jammes (US 6,484,149 B1) and Rizzo (US 6,470,338 B1), which address online shopping and tailored recommendations to match buyers with the most appropriate product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 703.308.3588. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

RER


Jeffrey A. Smith
Primary Examiner